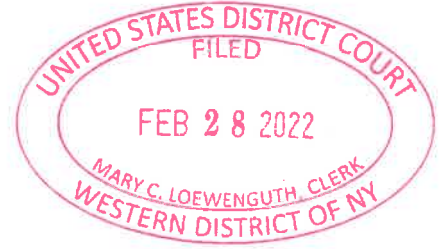


UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NEW YORK



UNITED STATES OF AMERICA,

Plaintiff,

v.

20-CR-161 (JLS) (MJR)

EDDIE ORTIZ-ORTIZ,

Defendant.

DECISION AND ORDER

Defendant Eddie Ortiz-Ortiz was charged in a single-count indictment with possession with intent to distribute 500 grams or more of a mixture and substance containing cocaine, in violation of 21 U.S.C. §§ 841(a)(1) and 841(b)(1)(B). Dkt. 13. Pursuant to 28 U.S.C. §§ 636(b)(1)(A) and (B), the case was referred to United States Magistrate Judge Michael J. Roemer. Dkt. 15.

Defendant filed omnibus motions seeking, among other things, suppression of physical evidence and custodial statements. Dkt. 22. The Government filed a response in opposition. Dkt. 25. An evidentiary hearing was held before Judge Roemer on May 4, 2021, and continued on May 11, 2021. Both parties filed post-hearing briefs, Dkts. 40 and 41, and oral argument was held before Judge Roemer on January 7, 2022, after which he considered the matter submitted for decision.

Judge Roemer issued a Report, Recommendation, and Order (“R&R”) on February 1, 2022, which recommends denying Defendant’s motions to suppress. Dkt. 46. Neither party filed objections.

A district court may accept, reject, or modify the findings or recommendations of a magistrate judge. 28 U.S.C. § 636(b)(1); Fed. R. Civ. P. 72(b)(3). A district court must conduct a *de novo* review of those portions of a magistrate judge’s recommendation to which an objection is made. 28 U.S.C. § 636(b)(1); Fed. R. Civ. P. 72(b)(3). Otherwise, a district court must “modify or set aside any part of [a magistrate judge’s] order that is clearly erroneous or is contrary to law.” Fed. R. Civ. P. 72(a). An order “is clearly erroneous or contrary to law when it fails to apply or misapplies relevant statutes, case law or rules of procedure.” *Tracy v. NVR, Inc.*, 791 F. Supp. 2d 340, 342 (W.D.N.Y. 2011) (internal quotations and citation omitted).

Based on the Court’s review and the absence of any objections, the Court accepts and adopts the R&R.

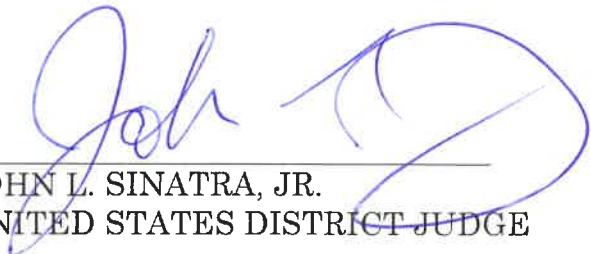
CONCLUSION

For the reasons stated above and in the R&R, Defendant's motions to suppress are DENIED.

The parties shall appear before the Court on March 4, 2022, at 9:00 a.m., for a status conference to set a trial date.

SO ORDERED.

Dated: February 28, 2022
Buffalo, New York



JOHN L. SINATRA, JR.
UNITED STATES DISTRICT JUDGE